

**FILING**

# United States District Court

NORTHERN

**FILED**  
DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

2007 MAY 16 P 3:10

V.

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CALIF.

**CRIMINAL COMPLAINT**

Andres SANCHEZ-TORRES

(Name and Address of Defendant)

CASE NUMBER:

**07 70286 HRL**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, April 25, 2007, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Richard F. Fajoli 5/15/07  
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Carin LaMar  
Signature of Complainant

Sworn to before me and subscribed in my presence,

5/16/07  
Date

at

San Jose, California  
City and State

Howard R. Lloyd  
UNITED STATES MAGISTRATE JUDGE  
Name & Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

RE: SANCHEZ-TORRES, Andres

A 024 277 090

I, Darin L. Masterton, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, and the former Immigration and Naturalization Service (INS), since September 15, 1996. I am currently assigned to the Criminal Alien Program (CAP) at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) DEFENDANT: Andres SANCHEZ-TORRES, is a 50-year-old male, citizen and native of Mexico, born on August 29, 1956, in Veracruz, Mexico, substantiated by official A-File records, and initial statements given by the DEFENDANT on April 25, 2007, to ICE Immigration Enforcement Agent Joshua Arambulo;
- (2) The DEFENDANT has been assigned Alien Registration number of A024277090 (Additional A# 028 764 900 was consolidated), FBI number of 61755RA7, California Criminal Information Index number of A07992422;
- (3) The DEFENDANT is also known by the following alias ("AKAs") names on his conviction documents:

**Juan TORRES HERNANDEZ**  
**Antonio PEREZ**

- (4) On November 16, 1995, the DEFENDANT was convicted in the Superior Court of California, for the offense of POSSESSION OF COCAINE FOR SALE, a felony, in violation of California Health and Safety Code Section 11351, and was sentenced to four years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(B);
- (5) On March 30, 1998, the DEFENDANT was arrested by INS and deported from the United States to Mexico;
- (6) On February 19, 2003, the DEFENDANT was convicted in the Superior Court of California, for the offense of TRANSPORT/SELL A CONTROLLED SUBSTANCE, a felony, in violation of California Health and Safety Code Section 11379, and was sentenced to two years in state prison. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(B);
- (7) On February 4, 1999, INS arrested and deported the DEFENDANT from the United States to Mexico;

RE: SANCHEZ-TORRES, Andres

A 024 277 090

- (8) On April 25, 2007, the DEFENDANT was encountered by ICE Immigration Enforcement Agent (IEA) Joshua Arambula at Monterey County Jail, Salinas, California, and determined to be unlawfully present in the United States after a prior deportation. IEA Arambula advised the DEFENDANT of his Miranda rights in the Spanish language. The DEFENDANT waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the Unites;
- (9) The DEFENDANT's official A-File does not contain any record or indication that the DEFENDANT requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (10) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.



Darin L. Masterton  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 16 day of May, 2007



Howard R. Lloyd  
UNITED STATES MAGISTRATE JUDGE

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